

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

SHAUNA WILLIAMS, et al.,

Plaintiffs,

v.

REPRESENTATIVE DESTIN HALL, in his
official capacity as Chair of the House Standing
Committee on Redistricting, et al.,

Defendants.

Civil Action No. 23 CV 1057

NORTH CAROLINA STATE CONFERENCE OF
THE NAACP, et al.,

Plaintiffs,

v.

PHILIP BERGER, in his official capacity as the
President Pro Tempore of the North Carolina
Senate, et al.,

Defendants.

Civil Action No. 23 CV 1104

**JOINT MOTION TO DESIGNATE TRIAL TESTIMONY
IN RELATED CASE**

NAACP Plaintiffs and Legislative Defendants respectfully move the Court to permit the designation of the trial testimony of former Representative G.K. Butterfield in the matter of *Pierce, et al. v. North Carolina State Board of Elections, et al.*, 4:23-cv-193-D-RN (E.D.N.C.). The trial transcript of former Representative Butterfield's testimony is

attached to this Motion as **Exhibit A**. In support of this motion, NAACP Plaintiffs and Legislative Defendants state as follows:

1. In its May 15, 2025 Order, this Court modified and set various pre- and post-trial deadlines in order “to facilitate an orderly and efficient presentation of evidence in this case[.]” Doc. 115 at 1. This Order included an opportunity to designate witnesses who would testify by deposition transcript designation. *Id.* at 1-2. This deadline was modified to July 17, 2025 by the Court’s June 4, 2025 Order, with counter-designations due July 22, 2025. Doc. 135 at 3.

2. Former Representative G.K. Butterfield served as U.S. Congressman for the 1st Congressional District of North Carolina from 2004 to 2022. During the entirety of former Representative Butterfield’s Congressional tenure, the 1st Congressional District was based in northeast North Carolina.

3. Former Representative Butterfield testified at trial in in the matter of *Pierce, et al. v. North Carolina State Board of Elections, et al.*, 4:23-cv-193-D-RN (E.D.N.C.), which also challenges 2023 Senate Districts 1 and 2. Both the State Board Defendants and the Legislative Defendants in this matter are also Party Defendants in *Pierce v. North Carolina State Board of Elections* and therefore had the opportunity to cross-examine former Representative Butterfield at trial.

4. NAACP Plaintiffs listed former Representative Butterfield on their Final Pretrial Disclosures as a “May Call” witness. Doc. 142-1. NAACP Plaintiffs also represented that they “intend to seek leave of the Court to admit [former Representative Butterfield’s *Pierce*] testimony in lieu of live testimony” and had reached an agreement

with Legislative Defendants to that effect. *Id.* at 2 n.2. There is good cause to permit the designation of former Representative Butterfield's trial testimony as it will further the efficient use of resources and streamline the presentation of evidence at trial.

5. The parties conferred on this issue by email. Williams Plaintiffs and State Board Defendants consent to this Joint Motion.

For the reasons set forth above, NAACP Plaintiffs and Legislative Defendants respectfully request that the Court grant their motion to permit designation of the *Pierce* trial transcript attached as Exhibit A in lieu of receiving live testimony from former Representative Butterfield.

Dated: June 13, 2025

/s/ Alyssa M. Riggins
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Respectfully submitted,

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**Appeared via Special Notice*

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**Appearing in this matter by Special
Appearance pursuant to L-R 83.1(d)*

Counsel for NAACP Plaintiffs

CERTIFICATE OF SERVICE

I certify that on June 13, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ J. Tom Boer

J. Tom Boer